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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Starnes
Serial No.: 10/735,094
Filed: 12/11/2003
For: Lancet
Art Unit: 3734
Examiner: Truong

**REQUEST FOR APPLYING PREVIOUSLY PAID APPEAL FEES
TO NEW APPEAL**

A first Notice of Appeal in this application was submitted 07/06/2007 with payment of \$250, and an Appeal Brief was submitted 10/10/2007 with payment of \$250. The Examiner reopened prosecution after the filing of the Appeal Brief and has rejected the claims under new grounds in a non-final Office Action with mail date of 12/09/2008.

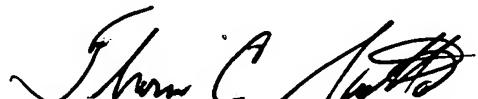
The claims having been twice rejected, Applicant filed a second Notice of Appeal in this matter on 03/09/2009 and requested that the previously paid appeal fees be applied to the new appeal, as provided for in MPEP 1204.01. The appropriate fees for the Notice of Appeal now being \$270, a check in the amount of \$20 was enclosed therein to account for the increase.

Adjustment date: 05/13/2009 SDIRETA1
05/12/2009 SDENB0B3 00000043 10735094
01 FC:1999 -20.00 OP

05/13/2009 SDIRETA1 00000004 502260 10735094
01 FC:2402 250.00 DA 20.00 OP

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5/7/09
Date


Thomas C. Saitta

Adjustment date: 05/13/2009 SDIRETA1
10731/2007 DBROWN 00000002 502260 10735094
01 FC:2402 255.00 CR

05/12/2009 SDENB0B3 00000043 10735094
01 FC:1999 20.00 OP

Applicant now files a second Appeal Brief and requests that the previously paid appeal fees be applied to the new appeal, as provided for in MPEP 1204.01. The appropriate fees now being \$270, a check in the amount of \$20 is enclosed herein to account for the increase.

Respectfully submitted,



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